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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,515	05/29/2001	Atsushi Misawa	0905-0260P-SP	3154

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EXAMINER

YE, LIN

ART UNIT PAPER NUMBER

2615

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,515

Applicant(s)

MISAWA, ATSUSHI

Examiner

Lin Ye

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-2, 6-7 and 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Brais et al. U.S. Patent 5,995,936.

Referring to claim 1, the Brais reference discloses in Figures 1 and 9, a digital still camera system having an image sensing device for sensing the image of a subject and outputting image data representing the image of the subject (See Col. 5, lines 5-12), and an image recording controller (portable computer 102, see Col. 6, lines 15-17 and Col. 7, lines 61-65) for recording image data, which has been output from the image sensing device, on a recording medium (see Col. 8, lines 39-45 and Col. 12, lines 54-54-57), comprising: a voice input unit (transducer 106 in the form of a micro phone, see Col. 10, lines 40-41) for inputting voice and outputting voice data representing voice; a voice recording controller (computer 102) for recording voice data, which has been output from said voice input unit, on the recording medium (floppy disk, memory card or hard disk); a character data generating unit (inside of computer 102, see Col. 10, lines 40-46) for generating character (text) data representing voice represented by voice data output from said voice input unit; and a character recording

controller for recording character data, which has been generated by said character data generating unit, on the recording medium (See Col. 10, lines 65-67 and col. 111, lines 1-14).

Referring to claim 2, the Brais reference discloses wherein said voice input unit inputs voice during the sensing of the image of a subject by the image sensing device, and said camera further comprises: a first control unit for controlling the image recording controller, the voice recording controller and the character recording controller in such a manner that at least two of the image data, voice data and character data will be recorded on the recording medium in a form linked (associated) to each other as shown in Figure 9 (e.g., the database or report integrated the image data, voice data and text data together, see Col. 11, lines 39-55).

Referring to claim 6, the Brais reference discloses wherein said image recording controller records image data, which has been output by said image sensing device, in response to input of predetermined voice to said voice input unit (e.g., for allowing inspector generating a report associated with image and speech data together, see Col. 5, 22-30 and Col. 12, lines 45-50).

Referring to claim 7, the Brais reference discloses a second combining unit for combining characters, which are represented by character data that has been generated by said character data generating unit, with an image output from said image sensing device; and a fourth control unit for controlling said image recording controller and said character recording controller in such a manner that image data representing an image with which characters have been combined by said second

combining unit will be recorded on the recording medium (e.g., a multimedia report or database file saved in the computer, Col. 11, lines 45-48).

Referring to claim 9, the Brais reference discloses all subject matter as discussed in respected claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3-5 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Brais et al. U.S. Patent 5,995,936 in view of Englehardt U.S. Patent 5,477,511.

Referring to claim 3, the Brais reference discloses all subject matter as discussed in respected claim 1, and the reference shows the digital camera system can format the digital image and the text (converted from a character data generating unit inside of computer 102) to a multimedia report or database file (See Col. 11, lines 45-48). However, the reference does not explicitly show a display screen (10, see Col. 6, lines 31-32) for viewing the report file.

The Englehardt reference discloses in Figures 1 and 4, a digital camera system comprising: recording visual information (image) by CCD (16); receiving voice data and transcribing the voice data by computer (5) voice recognition software; the both image data and text data format in a documentation; a printer (52) coupled to the

system for printing out the documentation; and the computer display screen to viewing the documentation (See Col. 5, lines 29-44). The Englehardt reference is evidence that one of ordinary skill in the art at the time to see more advantages for digital camera system has a printer and display screen for user to obtain a hard copy or quick preview immediately after the multimedia report is completed. For that reason, it would have been obvious to see the digital camera has a printer for printing out the report file on paper or a display screen for viewing the report file disclosed by Brais.

Referring to claim 4, the Brais and Englehardt references disclose all subject matter as discussed in respected claims 1 and 3, and the Brais reference states the camera system can use commands to **select** either images with voice or text into a multimedia report (See Col. 11, lines 45-49); and the reference also states that it will be recognized by those of skill in the art that digital camera do not all provide audible feedback (see Col. 12, lines 50-54). For those reason, when camera was determined no audible feedback, it will be able to select only images data with text data to display. When camera was determined with audible feedback, it will be able to select only images with voice data (e.g., video data) together to play inherently.

Referring to claim 5, the Brais and Englehardt references disclose all subject matter as discussed in respected claims 1 and 3, and the Brais reference states an erasure control unit responsive to an erase command for erasing voice data, which corresponds to characters being displayed on said second display unit, from the recording medium as shown in Figure 10 (see Col. 11, lines 56-67).

Referring to claim 8, the Brais and Englehardt references disclose all subject matter as discussed in respected claim 3.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Webb et al. U.S 6,282,154 discloses a portable hands-free documentation system for converting the human speech to text.
 - b. Tran U.S. 6,054,990 discloses a digital camera system providing a multimedia graphic data entry system.
 - c. Boulanov U.S. 2001/0037197 discloses a speech recognition system.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2615

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read 'Andrew Christensen', with a long horizontal line extending to the right.

**ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**

Lin Ye
July 26, 2004